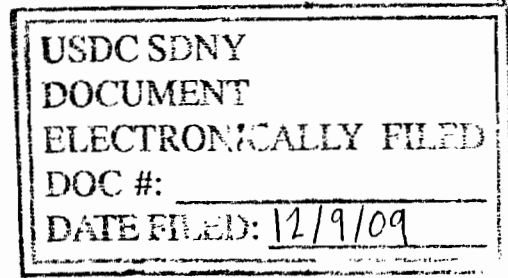


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
JAMES JONES, :
 :
 Plaintiff, :
 :
 - against - :
 :
 HICKS et al., :
 :
 Defendants. :
-----x

ORDER

08 Civ. 6089 (DC)

CHIN, District Judge

On October 29, 2009, plaintiff James Jones wrote the Court indicating that he was waiting to hear from defendant City of New York regarding the full name and address of an Officer Hicks, who plaintiff wished to name as a defendant in this matter. On November 5, 2009, I ordered defendant City of New York to provide plaintiff with the requested information by November 19, 2009, so that plaintiff could meet a December 16, 2009, deadline for filing his amended complaint.

Defendant City of New York has advised that the Otis Bantum Correctional Center records do not show an Officer Hicks on duty on the date or time frame alleged by plaintiff. Indeed, I have reviewed the records, and no Officer Hicks appears. Accordingly, the case must proceed without the alleged Officer Hicks. Plaintiff shall file his amended complaint by a new deadline of December 23, 2009.

Finally, plaintiff's request for the appointment of counsel is denied.

SO ORDERED.

Dated: New York, New York
December 9, 2009



DENNY CHIN
United States District Judge